

Cost Recovery from Violations from California Code Sections 53151, 53154 and 53155

This item speaks directly to the Innovation and Implementation Teams' Recommendation for a Cost Recovery Program for Law Violators as seen below:

Institute Cost Recovery Program for Law Violators

Solution Proposed: Bill perpetrators of criminal actions in the city of Long Beach for any extraordinary police, fire or public service costs.

The Implementation Team recommends use of an intranet web based application to create responsible party bills based on the assignment of blame contained in police officer reports. Violators paying promptly may apply payment in this system within a set number of elapsed days from the original bill date. Delinquent debts will automatically transfer data to an existing module in the City's mainframe-based system to allow Financial Management staff to collect on the debts. After a set number of days, the City will transfer records of the uncollected debts to an outside agency for collection work and recovery accounting. The Team identified this as a high priority project.

At this time, the Long Beach Police Department currently provides the Department of Financial Management with expenses attributed to violations in the Long Beach Municipal Code referenced below. These costs are then billed to the violators. A summary of amount billed and collected as a result of the cost recovery efforts have been provided in **Table 1**.

The following are both California Government and City of Long Beach Municipal Codes that relate to emergency response cost recovery for violations.

California Government Codes

53151. Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of any boat or vessel caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

53154. The expense of an emergency response shall be a charge against the person liable for expenses under this article. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied, except that liability for the expenses provided for in this article shall not be insurable and no insurance policy shall provide or pay for the expenses.

53155. In no event shall a person's liability under this article for the expense of an emergency response exceed twelve thousand dollars (\$12,000) for a particular incident.

City of Long Beach Municipal Codes

2.97.010 Definitions.

A. "Expense of an emergency response" means those costs incurred by the city of Long Beach in making any appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to, the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident. (Ord. C-6428 § 1 (part), 1987).

2.97.020 Emergency response cost recovery program.

Pursuant to the authority vested in the city of Long Beach by state statute, each person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, boat, vessel, or aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful criminal act proximately causes any incident resulting in appropriate emergency response, shall pay to said city the expense of such an emergency response. In no event shall a person's liability under this chapter exceed the maximum allowable under state statute, and all costs assessed pursuant to this chapter 2.97 shall reasonably relate to the actual cost of the expense incurred by the city. (Ord. C-6428 § 1 (part), 1987).

2.97.030 Collection of costs.

The expense of an emergency response shall be charged against the person liable for the expenses under this chapter. The charge constitutes a debt of that person to the city of Long Beach, and is collectible by said city in the same manner as in the case of an obligation under a contract, expressed or implied. (Ord. C-6428 § 1 (part), 1987).

Cost Recovery Summary

Table 1 – Police Department Code Violation Emergency Response Billings

Year	Number Billed	Amount Billed	Amount Collected	Collection Percentage
2002	168	\$ 75,849	\$ 22,556	30%
2003	110	\$ 42,573	\$ 23,461	55%
2004	124	\$ 57,282	\$ 13,721	24%
2005	149	\$ 77,268	\$ 33,658	44%
2006*	90	\$ 39,176	\$ 21,537	55%
TOTAL	641	\$ 292,147	\$ 114,933	39%

* Represents total through June 2006.